

97 20516

11 APR 1972

MEMORANDUM FOR: General Counsel

SUBJECT : U. S. v. International Business Machines Corporation (69 Civ. 200 S. D. N. Y.)

1. If classified Agency documents must be made available to counsel and other representatives of the International Business Machines Corporation, the following minimum conditions should be met to adequately protect the security interests of the Agency.

(a) Sufficient biographic data should be initially submitted to enable this Office to conduct a National Agency Check to determine if the individual concerned possesses an adequate security clearance and the basis for the clearance.

(b) If the individual does not possess an adequate security clearance, the Department of Justice should arrange for the Federal Bureau of Investigation to conduct the necessary background investigation. Any investigation for this purpose conducted by the Agency could seriously compromise the cover of our field offices and investigators.

(c) The Agency will, based upon the results of the National Agency Checks and/or the Federal Bureau of Investigation field investigation, grant or deny the appropriate clearance to the International Business Machines representative or counsel. To avoid unnecessary, costly and damaging publicity, and for other reasons, arrangements should be made so as to estop any appeal against a denial of a security clearance by the Agency.

(d) The number of persons to whom security clearances and access are to be granted should be held to the absolute minimum.

(e) All classified documents and notes or other papers containing classified information should be stored under conditions approved by the Agency so that adequate security protection is provided. In addition, these documents should be returned to the Agency as quickly as feasible to lessen the possibility of compromise.

2. This Office is concerned that the release of the required documents might vitiate the Director's responsibility to protect sources and methods and urge that every reasonable step be taken to have the Agency exempted from the orders of the Court.



Howard J. Osborn  
Director of Security

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## ROUTING AND RECORD SHEET

SUBJECT: (Optional)

U. S. v. International Business Machines Corporation

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Howard J. Osborn  
Director of Security

EXTENSION

6777

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11 APR 1972

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1. General Counsel  
7D-01

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1-3 re par C would  
 it be better to inform  
 the court who can  
 have access rather  
 than grant or deny  
 a clearance to an  
 IBM representative  
 L116f  
 4/11/72

Approved For Release 2003/04/02 : CIA-RDP78-01092A000100030022-3